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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,703	05/31/2000	Oleg B. Rashkovskiy	INTL-0409-US (P8992)	5209
7590 11/23/2004 Timothy N Trop Trop Pruner & Hu PC 8554 Katy Freeway Ste 100 Houston, TX 77024			EXAMINER LUU, LE HIEN	
			ART UNIT 2141	PAPER NUMBER
DATE MAILED: 11/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,703

Applicant(s)

RASHKOVSKIY, OLEG B.

Examiner

Le H Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/12/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-23 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-23 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Compton et al. (Compton)** patent no. **6,115,035**, in view of **Agnihotri et al. (Agnihotri)** patent no. **6,608,930**, and **Reilly et al. (Reilly)**, patent no. **5,740,549**.
4. As to claim 1, Compton teaches the invention substantially as claimed, including a method comprising:

automatically searching the Internet for streaming video files (col. 2 lines 11-25; col. 3 lines 33-46; col. 4 lines 30-42);

selecting particular streaming video files based on keywords, said stream video files provided by one or more web sites (col. 3 lines 33-46; col. 4 lines 30-42; col. 5 lines 5-27; search engine inherently use keywords search); and

generating representations of said streaming video files for display as a graphical user interface (col. 4 lines 43-65; col. 7 line 16-27).

However, Compton does not explicitly teach said selecting step using a text search using keywords, nor said streaming video files organized by categories for display.

Agnihotri teaches user can use many text attributes for searching video streams (col. 12 lines 23-67).

Reilly teaches a data viewer displays video files that are organized by categories (figure 10; col. 13 lines 28-48).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Compton, Agnihotri, and Reilly to select particular streaming video files based on a text search using keywords, and display said streaming video files based on categories because it would quickly locate particular video programs and display information based on user viewing preferences.

5. As to claim 2, Compton teaches automatically searching for streaming video files includes automatically searching for predetermined file extensions associated with streaming video files (col. 4 lines 43-65, fig 3).

6. As to claims 3-4, Compton and Reilly teaches automatically searching for streaming video file extensions and for keywords in web sites; organizing said video files into a category based on the keyword used to locate said video file (Compton, col. 4 lines 30-42; Reilly, figure 10; col. 13 lines 28-48).

7. As to claims 5-7, Compton and Reilly teaches representing a plurality of categories and video files associated with said categories, representing each video file by a thumbnail frame, and playing said video file in response to a user selection of said thumbnail video (Reilly, figure 10, col. 13 line 28 - col. 14 line 16).

8. As to claims 8-10, Compton and Reilly teaches using said keywords as category icons and displaying a plurality of video files associated with each category icon, accessing said video file over the Internet in response to a user selection of said video file, and periodically automatically searching for streaming video files (Reilly, figure 10, col. 13 line 28 - col. 14 line 16).

9. Claims 11-23 have similar limitations as claims 1-10; therefore, they are rejected under the same rationale.

10. In the remarks, applicant argued in substance that

(A) Prior art does not teach a text search using keyword to select particular streaming video files that are provided by one or more Internet web sites.

As to point (A), Compton teach digital video files are stored in one or more web servers can be distributed via the Internet to website viewers (col. 3 lines 33-46; col. 4 lines 30-42; col. 5 lines 5-27). However, Compton does not explicitly teach said selecting step using a text search using keywords. Agnihotri teaches user can use many text attributes for searching video streams (col. 12 lines 23-67).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Compton and Agnihotri to select particular streaming video files based on a text search using keywords because it would quickly locate particular video.

11. Applicant's arguments filed on 07/12/04 have been fully considered but they are not deemed to be persuasive.

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written above a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER

November 18, 2004